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APT ELECTRONICS

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 SOUTHERN DIVISION

11 SMTC Corporation, a Delaware  
corporation,

12 Plaintiff,

13 v.

14 APT ELECTRONICS, a California  
corporation,

15 Defendant.

17 APT ELECTRONICS, a California  
corporation,

18 Third-Party Plaintiff,

19 v.

21 INOGEN, INC., a Delaware corporation  
and ROES 1 through 10,

22 Third-Party Defendants.

Case No. 8:23-cv-00672 JVS (DFMx)

**JOINT MOTION FOR DISMISSAL  
OF COMPLAINT-IN-IMPLEADER  
AGAINST INOGEN, INC.**

**[FED. R. CIV. P. 41(a)(1)(A)]**

District Judge: Hon. James V.  
Selna

Magistrate Judge: Hon. Douglas F.  
McCormick

Complaint-In-Impleader Filed: 05/25/23

1 Prior to Plaintiff SMTC Corporation (“SMTC”) filing the complaint in this  
2 action, Defendant and Third-Party Plaintiff APT Electronics, Inc. (“APT”) sued  
3 Third-Party Defendant Inogen, Inc. (“Inogen”) in California state court (the “State  
4 Court Action”) over the same set of facts at issue in the instant case. The State  
5 Court Action was stayed pending resolution of this action.

6 SMTC and APT recently entered into a settlement agreement in the above-  
7 entitled action and SMTC’s complaint has been dismissed. Accordingly, APT and  
8 Inogen wish to resume the State Court Action, and so jointly move pursuant to  
9 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) for a dismissal of APT’s Complaint-  
10 In-Impleader in this action and each and every claim for relief set forth therein.


11 APT and Inogen shall each bear their own costs and attorneys’ fees.

12 The dismissal shall be without prejudice pursuant to Federal Rule Civil  
13 Procedure 41(a)(1)(B).

14 DATED: October ~~16~~, 2023

SELTZER CAPLAN MCMAHON VITEK

15  
16  
17 Bv: /s/

  
Richard D. Gluck  
Andrea N. Myers  
Jake D. Sesti

Attorneys for Third-Party Defendant  
INOGEN, INC.

21 DATED: October 16, 2023

RUTAN & TUCKER, LLP

22  
23  
24 Bv:

  
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Samantha Papuchis  
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Attorneys for Third-Party  
Complainant  
APT ELECTRONICS, INC.  
CORPORATION